

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

CrI.MC.No. 6196 of 2015 ()

**CC 460/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR
CRIME NO. 126/2006 OF PAYYANNUR POLICE STATION , KANNUR DISTRICT**
=====

PETITIONER/ACCUSED:

**PRADEEPAN.K.V., AGED 37 YEARS
S/O NARAYANAN, KUNDYA VALAPPIL (H)
RAMANTHALI AMSOM, VADAKKUMBAD
VADAKKUMBAD PO, KANNUR DISTRICT**

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENTS/COMPLAINANT:

**1. MUNEERA.V, AGED 44 YEARS,
D/O UMMER, VALIYAVALLAPPIL (H)
RAMANTHALI AMSOM, VADAKKUMBAD
VADAKKUMBAD PO, KANNUR DISTRICT-670109**

**2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031**

**R1 BY ADV. SRI.P.S.BINU
R2 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25-11-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 6196 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE I: COPY OF THE FINAL REPORT IN CRIME NO 126/06 OF PAYYANNUR
POLICE STATION**

ANNEXURE II: THE ORIGINAL COPY OF THE AFFIDAVIT OF 1ST RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6196 of 2015

Dated this the 25th day of November, 2015

O R D E R

The petitioner herein is the sole accused in C.C.No.460/2015 of the Judicial First Class Magistrate Court, Payyannur involving the offences under Sections 448, 506(i) and 309 IPC. He seeks orders quashing the prosecution on the ground of amicable settlement between him and the defacto complainant. The victim of offence is the 1st respondent herein. The prosecution case is that when the victim of offence declined the petitioner's marriage proposal, he trespassed into her house, intimidated her, and made an attempt to commit suicide by consuming excess quantity of some tablets. The victim has filed an affidavit to the effect that the whole dispute stands settled amicably, and that she has no grievance or complaint now. This affidavit can be accepted only as regards the offences under Sections 448 and 506(i) IPC. These offences can well be settled between the accused and the complainant. If there is a genuine settlement, it can be accepted by the court, and the prosecution can be quashed. As regards the offence alleged under Section 309 IPC, I find that the prosecution does not have any definite material to prove the case. The prosecution has not collected any medical evidence to prove the said allegation. The

records also reveal that nobody had in fact seen the petitioner herein making the said attempt, or consuming tablets. I find that if the case proceeds under Section 309 IPC, the prosecution will not be able to prove the offence in the absence of any material evidence, and definitely it will be a sheer waste of time. The defacto complainant has already settled the other dispute. In such a situation, it is appropriate that the whole prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioner in C.C.No.460/2015 in the Judicial First Class Magistrate Court, Payyannur, will stand quashed under Section 482 Cr.P.C.

Sd/-
P. UBAID, JUDGE

sd

// True Copy //

P.A. To Judge